

IN THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF WASHINGTON

JOSEPH EDGELL, an individual,
Plaintiff,

vs.

MICHAEL REGAN, Administrator of the U.S.
Environmental Protection Agency (EPA);
Defendant,

Case No.:

COMPLAINT FOR DAMAGES AND JURY
DEMANDRE:

1. Title VII Disparate Treatment
2. Title VII Retaliation

COMES NOW Plaintiff, Joseph Edgell, by and through his attorney, and alleges as follows:

I. INTRODUCTION

1.1 Plaintiff alleges complaints against Defendant, Michael Regan (“Defendant”), in his official capacity as Administrator of the U.S. Environmental Protection Agency (EPA), for discrimination based on sex and retaliation pursuant to Title 7 of the Civil Rights act of 1964.

II. PARTIES

2.1 Plaintiff is an individual residing in Bainbridge Island, WA who was employed by the EPA Region 10 as an Attorney-Adviser in Seattle, WA with a salary grade of GS-15, and a job title of Branch Chief for Attorneys.

2.2 Defendant Michael Regan is the Administrator for the EPA, a Federal Agency.

III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper as all alleged acts took place in the Western District of Washington.

IV. FACTS

A. Plaintiff's Background

4.1 Plaintiff's Gender Identity is male.

4.2 Plaintiff started his employment with the EPA in Washington, DC, on or about April of 2004 through December of 2018 as an attorney-adviser. From 2004 through 2018, Plaintiff received no written reprimands, suspensions, or discipline while working for the EPA in several positions.

4.3 In December of 2018, The Environmental Protection Agency (EPA) employed Plaintiff as a Branch Chief for Attorneys, for the US EPA Region 10 Office of Regional Counsel in Seattle. One of Plaintiff's primary duties was to manage a team of attorneys in various disciplines and non-attorney staff who responded to Freedom of Information Act Requests (FOIA).

1 4.4 On or about August 9, 2019, Plaintiff along with several male and female coworkers at
2 the EPA signed a letter to EPA Management employees, Mr. Hladick and Ms. Pirzadeh.
3 The letter stated in part that a Male EPA Management Employee was allowed to
4 continue working for the EPA in a supervisory role despite investigations finding that
5 the EPA Management Employee had sexually harassed female staff who were
6 employed at Region 10. The letter made it clear that several EPA employees both male
7 and female, including Mr. Edgell, were not satisfied with how the EPA was handling
8 confirmed sexual harassment by the Male EPA Management Employee.

9 4.5 Prior to signing the letter, it was widely known among employees through office
10 conversation that the Male EPA Management Employee had used his position of power
11 to sexually harass female employees including one particular employee who confided
12 to Plaintiff and several other EPA employees her concerns about the Male EPA
13 Management Employee's continued employment at the EPA.

14 4.6 Shortly after Plaintiff signed the August 9, 2019 letter, the EPA subjected Plaintiff to
15 retaliation.

16 4.7 The retaliation included:

- 17 a. On October 29, 2019 – the EPA Acting Regional Counsel, Lisa Castañon, a female,
18 issued Plaintiff a Letter of Reprimand (LOR). The LOR specifically referenced that
19 Plaintiff was being reprimanded in part for discussing an alleged “confidential
20 investigation”, and expressing a desire that an employee, known to be a “sexual
21 harasser” would be “fired”.

- 1 b. Starting from November 26, 2019, through the end of his employment term, Ms.
2 Castañon ostracized Plaintiff from meetings between Ms. Castañon and staff
3 members that reported to Mr. Edgell.
- 4 c. On or about January 2020, Plaintiff noticed that Ms. Castañon started ostracizing and
5 singling Plaintiff out for different treatment by taking work away from him after he
6 voiced concerns about the Male EPA Management Employee. Mr. Edgell typically
7 was allowed to assign FOIA requests to FOIA managers under his supervisions. Ms.
8 Castañon, however, took it upon herself to usurp the regular process and provided
9 guidance regarding FOIA requests directly to a FOIA officer under the supervision of
10 Mr. Edgell.
- 11 d. On February 7, 2020, Ms. Castañon further retaliated against Mr. Edgell by issuing
12 him a “Proposed 7 Day Suspension” for alleged Conduct Unbecoming a Supervisor.
13 To support Mr. Edgell’s Proposed Discipline, Ms. Castañon either fabricated or
14 grossly took out of context verbal statements Mr. Edgell made in the workplace. Ms.
15 Castañon never requested an explanation from Mr. Edgell prior to issuing the
16 proposed suspension.
- 17 e. Upon information and belief, Ms. Castañon does not propose suspension for Conduct
18 Unbecoming a Supervisor to female employees, nor to employees who do not oppose
19 EPA discriminatory practices.
- 20 f. Upon information belief, Ms. Castañon held Mr. Edgell to a higher standard of
21 behavior when compared to known sexual harassers like EPA Management Official,
22

- 1 who received no suspension despite a long history of inappropriate comments of a
2 sexual nature towards females.
- 3 g. Mr. Edgell responded with detailed facts showing the lack of credibility in Ms.
4 Castañon's "Proposed 7 Day Suspension" in a response to NOAA, Deputy Regional
5 Counsel, James Payne.
- 6 h. In the response to Mr. Payne, Mr. Edgell stated that he believed Lisa Castañon's
7 issuance of the Proposed 7 Day suspension was in retaliation for him participating in
8 previous complaints about the EEO's handling of sexual harassment allegations.
- 9 i. In late October or Early November of 2020, Mr. Edgell received a performance
10 review that indicated Lisa Castañon, rated him "Minimally Successful" for specific
11 performance categories during the timeframe of October 1, 2019 through April 11,
12 2020. Upon information and belief, Ms. Castañon does not rate Mr. Edgell's similarly
13 situated colleagues as "Minimally Successful" who have similar performance to Mr.
14 Edgell.
- 15 j. Despite Mr. Edgell's response to Proposed 7 Day Suspension, Mr. Payne still moved
16 forward with suspending Mr. Edgell in a letter dated November 20, 2020, but just
17 reduced the suspension from four to seven days.
- 18 k. In February of 2021, Plaintiff terminated his employment with the EPA due to the
19 hostility he experienced since signing the August 2019 letter protesting the EPA's
20 handling of the sexual harassment matter.

21 **B. ADMINISTRATIVE PROCEDURES**

1 4.8 On March 24, 2020, Complainant filed a Formal Complaint of Discrimination with
2 EPA Equal Employment Opportunity Office of Civil Rights (OCR) that referenced
3 discriminatory and retaliatory events that started with the August 9, 2019, Letter of
4 Reprimand, and the Proposed Suspension issued to him on February 7, 2020, by Lisa
5 Castañon.

6 4.9 An EEO investigation commenced on March 24, 2020, conducted by OCR
7 investigation staff.

8 4.10 In November 2020, EPA Deputy General Counsel, James Payne, issued Plaintiff a
9 final decision on his Proposed Seven Day suspension and suspended him for four days.

10 4.11 On November 21, 2020, the Equal Employment Opportunity Commission
11 (EEOC), received Plaintiff's request for hearing.

12 4.12 On July 10, 2021, Plaintiff requested that the EEOC amend his March 24, 2020,
13 complaint to include Mr. Payne's "Final Decision on Plaintiff's Proposed Suspension."

14 4.13 On July 21, 2021, the Agency's Counsel, Kathie Reif, responded to Plaintiff's
15 Motion to Amend by agreeing to include the "Decision to Suspend" as part of the issues
16 to be adjudicated by the EEOC.

17 4.14 On December 6, 2021, EEOC Administrative Law Judge, Stuart Cox, granted
18 Plaintiff Motion to Amend his Original EEO complaint to include "The Agency's
19 decision on November 20, 2020, to suspend Complainant for four days."

20 4.15 As of January 18, 2022, Mr. Edgell's administrative complaint is still pending
21 with no ALJ Decision pending.

22 **V. CAUSES OF ACTION**

23 COMPLAINT FOR DAMAGES AND JURY DEMAND - 1

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FIRST CAUSE OF ACTION

(Discrimination Based on Sex under Title VII)

5.1 Plaintiff incorporates and realleges paragraphs 1-4.15 as if fully set forth herein.

5.2 Plaintiff was well qualified for his position and received negative performance reviews or reprimands for performance or communication prior to his signing of a letter supporting victims of sexual harassment and the EPA unwillingness to remove the Male EPA Management Employee from a supervisory position over individuals he had sexually harassed.

5.3 Plaintiff was subjected to adverse treatment when Defendant proposed a letter of Reprimand, rated him “minimally successful”, and Suspended Plaintiff the months after he complained about the EPA’s handling of Sexual Harassment allegations, while not subjecting similarly situated female employees to Mr. Edgell to the same level to the same level of adverse treatment.

5.4 The EPA’s disparate treatment of Plaintiff based on Gender caused Mr. Edgell economic and compensatory damages to be proven at trial.

SECOND CAUSE OF ACTION

(Retaliation for Participating in Protected Activity pursuant to Title VII)

5.5 Plaintiff incorporates and realleges paragraphs 1-5.4 as if fully set forth herein.

5.6 Defendant has retaliated against Plaintiff by subjecting Plaintiff to a retaliatory hostile work environment, issuing Plaintiff a letter of reprimand, rating Plaintiff “minimally successful during performance review, a proposed seven-day suspension, and a final four-day suspension.

1 5.7 The EPA's retaliatory treatment of Plaintiff proximately caused Mr. Edgell economic
2 and non-economic damages to be proven at trial.

3 **VI. DAMAGES**

4 6.1 Defendant's violations of the law, described above and incorporated, proximately caused
5 Plaintiff's damages, including but not limited to lost wages and benefits, and other
6 economic losses, and emotional harm, including but not limited to the natural human
7 emotions of distress, loss of enjoyment of life, humiliation, pain and suffering, personal
8 indignity, embarrassment, fear, anxiety, and anguish, experienced and with reasonable
9 probability of experience in the future, and other general damages.

10 **VII. PRAYER FOR RELIEF**

11 WHEREFORE: Plaintiff prays for relief as follows:

12 7.1 An order declaring Defendant discriminated against Plaintiff based on Gender, and
13 retaliated against Plaintiff for a legally-protected activity, that is opposing a
14 Discriminatory Practice;

15 7.2 An order stricken all discipline from Plaintiff's official personnel file (OPF)
16 personnel file

17 7.3 Damages for back pay, front pay, lost benefits, and all other economic losses
18 proximately caused by Defendant;

19 7.4 Damages for pain and suffering, mental anguish, emotional distress, and humiliation;

20 7.5 Prejudgment interest in an amount to be proved at trial;

21 7.6 Reasonable attorney's fees and costs; and

22 7.7 Whatever further and additional relief the court shall deem just and equitable.

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1 7.8 An offset for the adverse tax consequences of the judgment.

2 7.9 The right to Amend the complaint to the proof offered at trial.

3
4 Dated this January 18, 2022,

5
6 s/Nolan Lim

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